



United States Department of the Interior

FISH AND WILDLIFE SERVICE



Post Office Box 1306
Albuquerque, New Mexico 87103

In Reply Refer To:
FWS/R2/ES-ER/079739

October 30, 2023

Jeff Kuhnhenh
Kelly, Hart, and Hallman
500 W. Illinois Street, Suite 800
Midland, Texas 79701

Dear Mr. Kuhnhenh:

We received your letter dated September 1, 2023, informing us of your intent to sue regarding our agency's listing determination for two distinct population segments of the lesser prairie-chicken under the Endangered Species Act (ESA) on behalf of Chaves County, New Mexico.

We are committed to the conservation and protection of wildlife including the lesser prairie-chicken. We believe our decision to list two distinct population segments of the lesser prairie-chicken and put in place a 4(d) rule are correct and consistent with ESA requirements Based on the best science available.

If you would like to discuss this matter further, please contact me at 505-248-6809 or jeffrey_m_fleming@fws.gov.

Sincerely,

JEFFREY M
FLEMING

Digitally signed by JEFFREY M
FLEMING
Date: 2023.10.30 07:51:44 -06'00'

Regional Director